

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE MAY 2, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 905

Introduced by Senator Machado

February 22, 2005

~~An act to repeal and add Section 54697 of the Education Code, relating to partnership academies. An act to add Section 113357 to the Health and Safety Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 905, as amended, Machado. ~~Partnership academies. Bovine spongiform encephalopathy.~~

Existing law regulates wholesale food, the primary enforcement of which is vested in the local health officers. A violation of these provisions is a crime.

This bill would add provisions to the wholesale food law that would require persons, corporations, or firms, conducting bovine spongiform encephalopathy tests on beef to meet certain requirements and would prevent the sale of beef labeled "BSE tested" unless prescribed conditions are met. The bill would require the State Department of Health Services to adopt regulations establishing related standards. By expanding local health officer enforcement duties and changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law provides for the establishment of partnership academies by participating school districts and establishes criteria qualifying “at-risk” students for enrollment in the academies. Existing law also requires the Superintendent of Public Instruction to select an entity to conduct a long-term evaluation of the academies.~~

~~This bill would delete this evaluation requirement and would, instead, require the State Department of Education to review certain data and, by January 1, 2007, to submit a report to the Legislature regarding the effectiveness of partnership academies at providing academic and occupational training to pupils, and in motivating pupils to remain in school and graduate.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 113357 is added to the Health and
- 2 Safety Code, to read:
- 3 113357. (a) A person, corporation, or firm that conducts
- 4 tests on beef for the presence of bovine spongiform
- 5 encephalopathy shall comply with all of the following:
- 6 (1) The test used shall be approved by the United States
- 7 Department of Agriculture for the purpose of detecting the
- 8 presence of bovine spongiform encephalopathy.
- 9 (2) Appropriate protocols shall be used to prevent the spread
- 10 of bovine spongiform encephalopathy-contaminated material
- 11 from one animal carcass to another.
- 12 (b) A person, corporation, or retailer may sell beef labeled as
- 13 “BSE tested” only if it meets all of the following requirements:
- 14 (1) The beef is wholly derived from one animal, and is not a
- 15 product of meat from more than one animal and is not
- 16 contaminated by meat of another animal.

1 (2) *The source animal carcass has been tested for the presence*
2 *of bovine spongiform encephalopathy, using a test approved by*
3 *the United States Department of Agriculture (USDA) for*
4 *detecting the presence of bovine spongiform encephalopathy.*

5 (3) *The test result for the source animal carcass is negative.*

6 (c) *No person, corporation, or retailer may sell beef labeled as*
7 *“BSE tested” that does not meet the requirements of this section.*

8 (d) *BSE tests performed pursuant to this section shall be*
9 *performed in a laboratory approved by the State Department of*
10 *Health Services or the USDA for this purpose.*

11 (e) *The department may establish standards to ensure the safe*
12 *and accurate handling of test samples and results.*

13 (f) *In lieu of standards established pursuant to subdivision (d),*
14 *BSE tests may be performed in a facility currently licensed by the*
15 *department as a clinical laboratory.*

16 (g) *Positive test results shall be transmitted to the USDA.*

17 (h) *The department may adopt regulations necessary to*
18 *implement this section.*

19 SEC. 2. *No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution for*
21 *certain costs that may be incurred by a local agency or school*
22 *district because, in that regard, this act creates a new crime or*
23 *infraction, eliminates a crime or infraction, or changes the*
24 *penalty for a crime or infraction, within the meaning of Section*
25 *17556 of the Government Code, or changes the definition of a*
26 *crime within the meaning of Section 6 of Article XIII B of the*
27 *California Constitution.*

28 *However, if the Commission on State Mandates determines that*
29 *this act contains other costs mandated by the state,*
30 *reimbursement to local agencies and school districts for those*
31 *costs shall be made pursuant to Part 7 (commencing with Section*
32 *17500) of Division 4 of Title 2 of the Government Code.*

33 ~~SECTION 1. Section 54697 of the Education Code is~~
34 ~~repealed.~~

35 ~~SEC. 2. Section 54697 is added to the Education Code, to~~
36 ~~read:~~

37 ~~54697. The department shall review data it collected annually~~
38 ~~between January 1, 2001, and January 1, 2006, that relates to~~
39 ~~partnership academics, and shall, by January 1, 2007, submit a~~
40 ~~report to the Legislature regarding the effectiveness of~~

1 ~~partnership academies at providing academic and occupational~~
2 ~~training to pupils, and in motivating pupils to remain in school~~
3 ~~and graduate. This report shall include, but not be limited to, all~~
4 ~~of the following:~~

5 ~~(a) An analysis of the extent and the degree of success of~~
6 ~~business and industry involvement, including in-kind~~
7 ~~contributions, mentor services, summer jobs, and assistance in~~
8 ~~job placement.~~

9 ~~(b) The number of pupils obtaining employment, entering~~
10 ~~advanced training programs, and enrolling in postsecondary~~
11 ~~institutions after graduation.~~

12 ~~(c) Pupil attendance rates and credits achieved.~~

13 ~~(d) The number of pupils in grade 12, the number of those~~
14 ~~who completed their high school education and graduated, and~~
15 ~~the number who did not graduate.~~

16 ~~(e) An analysis of the extent to which components of the~~
17 ~~partnership program have been incorporated into the regular~~
18 ~~school program.~~

19 ~~(f) Pupil data such as, passage rates on the California High~~
20 ~~School Exit Examination, grade point average, gender, ethnicity,~~
21 ~~and risk factors.~~

22 ~~(g) A description of the geographic distribution of the~~
23 ~~partnership academies.~~

24 ~~(h) An analysis of the challenges or difficulties school sites~~
25 ~~encounter in implementing a program and meeting the funding~~
26 ~~requirements, and in maintaining a partnership academy~~
27 ~~program.~~

28 ~~(i) Recommendations to sustain the partnership academy~~
29 ~~model.~~